

Serial No.: 09/847,632
Amendment and Response to Office Action
Reply to Office Action of Feb. 23, 2004

Attorney Docket No.: 33997.0036

REMARKS

Reconsideration of the above-identified patent application, as amended herein, is respectfully requested.

This Amendment is in response to the Office Action dated February 23, 2004. Independent claims 9 and 16 is pending in this application. Claims 1-8 and 10-15 are canceled herein. Claim 9 is amended. New claim 16 is presented.

In the Office Action, claims 1 and 3 have been rejected under 35 U.S.C. §102(b) as being anticipated by Lücke et al. (US 5,748,367); claims 1, 3 and 10 as being anticipated by Takagi et al. (US 5,140,458); and claims 1-2 and 4-7 as being anticipated by Geschwentner (US 6,011,647). Also, claims 8 and 12 have been rejected under 35 U.S.C. §103(a) as being obvious over Geschwentner; claim 14 as being obvious over Lücke et al.; and claim 15 as being obvious over Takagi et al. Claims 1-8 and 10-15 are canceled herein rendering the rejections moot. It is respectfully submitted that rejection of the claims under 35 U.S.C. 102(b) and 103(a) be withdrawn.

Claim 9 is rewritten herein in independent form including the limitations of base claim 1, and is amended to further clarify the invention. Specifically, claim 9 is amended to recite "a mechanism for removing said assembly from said illumination beam path such that no optical element which diffracts or refracts the light remains in the illumination beam path so that a reduction of light intensity...occurs because of the removal of said assembly."

Since the optical elements in the beam path "usually serve to collimate or focus the light", removal of the assembly of optical elements from the illumination beam path "causes light to arrive at the subject in a more diffuse or defocused fashion", which causes a darkening at the subject. See paragraphs 0011 and 0012 of the specification, and Figs. 1 and 2.

It is believed that claim 9 is allowable over the prior art of record.

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New method claim 16 is presented which contains similar limitations to amended claim 9. It is believed that claim 16 is also allowable over the prior art of record.

In view of the foregoing, it is respectfully submitted that a full and complete response to the Office Action has been made. Early and favorable action is respectfully requested. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney/agent.

It is also submitted that no fees are required. However, the Commissioner is hereby authorized to charge any fees due as a result of this Amendment to Deposit Account 08-2442 of the undersigned.

Respectfully submitted,
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Date: May 24, 2004

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